

### **REMARKS**

The above Amendments and following Remarks are in response to the Office action mailed December 17, 2008. Claim 4 has been amended. Claims 1-11 remain pending in the application. Applicant appreciates Examiner's careful review of the present application.

Applicant respectfully submits that all the hitherto pending claims are now placed in condition for allowance. Detailed reasons for allowance are as follows:

#### ***Claim Rejections Under 35 U.S.C. § 101***

Claims 4-11 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For the purpose of overcoming the rejection under 35 U.S.C. 101, Applicant has amended claim 4 by including materials of hardware or a combination of hardware and software thereto.

Firstly, amended claim 4 recites the use of certain technology, such as a system (i.e., a product machining scheduling system) and various software modules (i.e., a machining status tracing module, a performance assessing module, and a performance report generating module) included in a computer (i.e., an application server) that would inherently and necessarily require a computer (i.e., the application server) or a storage medium (i.e., a database). Furthermore, amended claim 4 is recited as being computer-enabled, and can only be performed by carrying out one or more steps of providing various software modules (see above) in a piece of hardware (i.e., the application server and the database).

Secondly, amended claim 4 recites the limitation of "generating a performance report of the employee, and displaying the performance report on an interface of a client computer". The invention requires physical acts to be performed outside the computer (i.e., the application server) prior to the computer performing one or more steps according to a computer-enabled performance assessing method. The one or more steps

are a necessary prerequisite in obtaining the practical result or outcome of a performance report of each employee. The obtained result is a direct effect on the physical world outside the computer (i.e., the application server or the client computer). Furthermore, the performance report of the employee is displayed on an interface of the client computer for managers of the manufacturing enterprise, and is indeed a real-world result, which has beneficial effect for the manufacturing enterprise. Therefore, the result produced by carrying out the claimed method of amended claim 4 is useful, concrete, and tangible.

For at least the above reasons, it is submitted that amended claim 4 is directed to statutory subject matter. Claims 5-11 depend directly or indirectly from amended independent claim 4. Accordingly, Applicant requests reconsideration and removal of the rejection of claims 4-11 under 35 U.S.C. 101.

#### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeif (US Pat. No. 7209859) in view of Park et al (US Pub. No. 2003/0004969, hereinafter referred to as “Park”).

#### **Claims 1-3**

Claim 1 recites in part:

“the database stores *a plurality of products machining documents* and a plurality of performance assessing tables of employees; and

the application server comprises:

a machining status tracing module for *collecting daily schedule results from the product machining scheduling system, storing the schedule results in a corresponding products machining document, and storing each product’s machining status, actual starting time and actual finishing time in the products machining document*; [and]

a performance assessing module for *generating a starting time record and a finishing time record for each product according to the products machining documents, ...*” (emphasis added).

Applicant submits that none of Zeif and Park, taken alone or in combination, teaches or otherwise suggests the invention having the above-highlighted features as set forth in claim 1.

Zeif discloses that an automated collected data table 245 may be, for example, a data table, array, etc., that stores a real time data as it is received by a PC 240, and the automated collected data table 245 may be stored in a temporary memory of the PC 240 (column 11, lines 54-56). Zeif further discloses that a schedule shift time column 838 records the amount of time on a particular shift that the equipment is scheduled for operation, and a production run time column 839 records the amount of time the equipment is actually operated during the shift (column 12, lines 54-60). In addition, Zeif discloses the information of the data table includes date, active time, inactive time, total time and employee’s efficiency (column 29, lines 49-61).

Firstly, Applicant submits that the presented claimed “product machining scheduling system” of claim 1 is not mentioned or suggested by Zeif at all. Particularly, there is no disclosure or teaching in relation to the feature of “*collecting daily schedule results from the product machining scheduling system*” in Zeif. Accordingly, Applicant submits that Zeif fails to disclose or teach the feature of “a machining status tracing module for *collecting daily schedule results from the product machining scheduling system, ...*” as recited in claim 1 of the present application. In addition, Applicant submits that Park does not teach or suggest the above-highlighted feature either. Furthermore, any combination of Zeif and Park does not teach or suggest the above-highlighted feature.

Secondly, the data table of Zeif is used to store real time data, such as the date, active time, the inactive time, the total time and the employee's efficiency. That is, in Zeif, the real time data are stored in the data table instead of a special document. Zeif's data table cannot be two different things at the same time. However, the claimed "each product's data" in claim 1 such as machining status, actual starting time, and actual finishing time are stored in various special documents (i.e., products machining documents), and not in a data table (i.e., a performance assessing table). Each of the products machining documents is quite different from the performance assessing table. Applicant submits that the claimed "products machining documents" of claim 1 or its equivalent is not mentioned or disclosed by Zeif. Accordingly, Applicant submits that the products machining documents as provided by claim 1 are distinctly and patentably different from the data table disclosed by Zeif.

For at least the above reasons, Zeif fails to disclose or teach the feature of "a machining status tracing module for *storing each product's machining status, actual starting time and actual finishing time in the products machining document,*" and further fails to disclose or teach the feature of "a performance assessing module for *generating a starting time record and a finishing time record for each product according to the products machining documents,*" as recited in claim 1 of the present application. In addition, Applicant submits that Park does not teach or suggest any of the above-highlighted features either. Furthermore, any combination of Zeif and Park does not teach or suggest any of the above-highlighted features.

In conclusion, Applicant submits that none of Zeif and Park, taken alone or in combination, teaches or otherwise suggests the invention having the above-highlighted features as set forth in claim 1. Accordingly, Applicant asserts that claim 1 is unobvious and patentable under 35 U.S.C. § 103(a) over Zeif in view of Park. Reconsideration and removal of the rejection and allowance of claim 1 are requested.

Claims 2-3 depend from independent claim 1, and thus include all of the limitations of independent claim 1. Therefore, Applicant believes that claims 2-3 should also be allowable.

#### **Claims 4-11**

Claim 4, as amended, recites in part:

***“collecting daily schedule results from a product machining scheduling system and storing the daily schedule results in a products machining document that is stored in a database*** by using the machining status tracing module;

***storing actual starting time, actual finishing time, and machining status of each of products in the products machining document*** by using the machining status tracing module; [and]

***generating a starting time record and a finishing time record according to the products machining document*** by using the performance assessing module” (emphasis added).

Amended claim 4 is a method claim corresponding to the performance assessing system of claim 1. Referring to and incorporating herein the above-asserted reasons regarding the patentability of claim 1, Applicant submits that any combination of Zeif and Park, taken alone or in combination, does not teach or otherwise suggest the invention having the above-highlighted features as set forth in amended claim 4. Accordingly, Applicant asserts that amended claim 4 is unobvious and patentable under 35 U.S.C. §103(a) over Zeif in view of Park. Reconsideration and removal of the rejection and allowance of amended claim 4 are requested.

Claims 5-11 depend from amended independent claim 4, and thus include all of the limitations of amended independent claim 4. Therefore, Applicant believes that claims 5-11 should also be allowable.

### CONCLUSION

Applicant submits that the foregoing Amendment and Response place this application in condition for allowance. If Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 714.626.1224.

Respectfully,

Yeh et al.

By /Frank R. Niranjana/ Date: February 25, 2008

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